

6473. Adulteration and misbranding of sauerkraut. U. S. * * * v. 800 Cases of Sauerkraut. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 8758. I. S. No. 12002-p. S. No. C-809.)

On February 6, 1918, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 800 cases, each containing 2 dozen cans of sauerkraut, remaining unsold in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped on or about November 20, 1917, by the Thomas Canning Co., Grand Rapids, Mich., and transported from the State of Michigan into the State of Wisconsin, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Thomas Sauer Kraut, Thomas Canning Co., Grand Rapids, Mich."

Adulteration of the article was alleged in the libel for the reason that an excessive amount of brine had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for sauerkraut, which the article purported to be.

Misbranding of the article was alleged for the reason that the labels borne on the cases or cartons containing the article were false and misleading in that it was not sauerkraut, but was, in truth and in fact, a mixture of an excessive amount of brine and sauerkraut; and for the further reason that the labels upon the cases or cartons bore the statement regarding it that the same was sauerkraut in such form and display on said labels as to give the impression that it was sauerkraut containing a normal quantity of brine, whereas, in truth and in fact, it was not pure sauerkraut, but was a mixture of sauerkraut and an excessive quantity of brine; and for the further reason that the statement on the labels on the cases or cartons containing the article was false and misleading, and said article was on account thereof labeled and branded so as to deceive and mislead the purchaser thereof.

On August 26, 1918, Otto L. Kuehn Co., Milwaukee, Wis., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$2,500, in conformity with section 10 of the act.

J. R. RIGGS, Acting Secretary of Agriculture.